

SECOND REGULAR SESSION

HOUSE BILL NO. 2306

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRISTOFANELLI.

4483H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 162.083, 162.223, 162.241, 162.261, 162.291, 162.341, 162.481, 162.492, 162.601, 162.825, 162.865, and 162.867, RSMo, and to enact in lieu thereof thirteen new sections relating to school board member elections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 162.083, 162.223, 162.241, 162.261, 162.291, 162.341, 162.481, 162.492, 162.601, 162.825, 162.865, and 162.867, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 162.082, 162.083, 162.223, 162.241, 162.261, 162.291, 162.341, 162.481, 162.492, 162.601, 162.825, 162.865, and 162.867, to read as follows:

162.082. All school board member elections shall be held on the first Tuesday after the first Monday in November.

162.083. 1. The state board of education may appoint additional members to any special administrative board appointed under section 162.081.

2. The state board of education may set a final term of office for any member of a special administrative board, after which a successor member shall be elected by the voters of the district.

(1) All final terms of office for members of the special administrative board established under this section shall expire on June thirtieth.

(2) The election of a successor member shall occur on ~~[the general municipal election day]~~ **the first Tuesday after the first Monday in November** immediately prior to the expiration of the final term of office.

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 (3) The election shall be conducted in a manner consistent with the election laws
12 applicable to the school district.

13 3. Nothing in this section shall be construed as barring an otherwise qualified member
14 of the special administrative board from standing for an elected term on the board.

15 4. On a date set by the state board of education, any district operating under the
16 governance of a special administrative board shall return to local governance, and continue
17 operation as a school district as otherwise authorized by law.

162.223. 1. When the voters in any two or more adjacent districts without limitation
2 as to size or enrollment desire to consolidate and form a new district, a petition asking for an
3 election upon the question of consolidation shall be filed with the boards of education of the
4 affected districts; provided, however, that such petition shall be signed by ten percent of those
5 in each district who voted for school directors at the last election in which such directors were
6 elected, or one hundred voters, whichever is the higher number.

7 2. As an alternative to the procedure in subsection 1 of this section, two or more
8 adjacent districts may, by a majority vote of each board of education, call for an election upon
9 the question of consolidation.

10 3. The question shall be submitted in substantially the following form:

11 Shall the _____ school district and the _____ school district (and the _____ school
12 district) form a new district with a tax rate ceiling of _____ per one hundred dollars of
13 assessed valuation? If this proposition is approved, the adjusted operating levy of the new
14 school district is estimated to be _____ (amount) per one hundred dollars of assessed
15 valuation.

16 4. The board of directors of each affected district shall cause the question to be
17 included on the ballot to be submitted to the voters in each such district at the next election
18 day. A plat of the proposed new district shall be published and posted with the notices of
19 election.

20 5. The results of the voting on the proposal in each district affected shall be certified
21 to the state commissioner of education by the secretary of each board of education of each
22 district or by such other person or body charged with conducting such elections and, should
23 the majority of the votes cast in each affected district be in favor of the proposal, the state
24 commissioner shall declare the new district formed as of July first following the submission
25 of the question.

26 6. If the commissioner of education declares, before the closing date for filing for the
27 election of board members ~~[on the municipal election date]~~, that the new district is to be
28 formed as of July first, no candidates shall be certified by the districts involved in the
29 consolidation and the board members whose terms would otherwise have expired on that date
30 shall remain as board members until July first. In consolidation cases where there is

31 insufficient time from the date the commissioner of education declares that the new district
32 shall be formed as of July first and July first to hold an election of board members, seven
33 board members from the boards of the consolidating districts shall be drawn by lot to serve
34 until the next election at which the new board of education can be elected. The number of
35 board members selected from one district shall not exceed the quotient resulting from seven
36 divided by the number of districts consolidating rounded down to the nearest whole number
37 plus one. The commissioner of education or a designee shall supervise the drawing, by lot, of
38 the board members which shall be approved by the state board of education.

162.241. If a proposal to form a district pursuant to the provisions of sections 162.171
2 to 162.191, 162.211 and 162.221, or section 162.223 receives the required majority of the
3 votes cast on the proposition, the state board of education or the county commission, in the
4 case of a district formed pursuant to the provisions of sections 162.171 to 162.191 or 162.211
5 and 162.221, shall order an election in the district to be held. This election shall be for the
6 purpose of electing seven members to serve on the school board of the district. Such election
7 shall be held on the ~~[next election day as provided under section 115.123]~~ **first Tuesday after**
8 **the first Monday in November**. The election shall be conducted in the manner provided by
9 section 162.371. A letter from the commissioner of education, delivered by certified mail to
10 the presiding commissioner of the county commission of the county to which the district
11 formed by provisions of section 162.223 is assigned shall be the authority for the county
12 commission to proceed with election procedures in the same manner as they would be
13 performed by the district board of education were it in existence; but the costs of the election
14 shall be paid from the incidental fund of the new district. ~~[Two]~~ **Three** directors shall be
15 elected to serve ~~[until the next municipal election]~~ **one-year terms**, two to serve ~~[until the~~
16 ~~second municipal election]~~ **two-year terms**, and two to serve ~~[until the third municipal~~
17 ~~election. The seventh board member shall be elected to serve until the municipal election~~
18 ~~during which the majority of school districts elect three board members]~~ **three-year terms**.
19 **Any director elected after the initial election shall be elected to serve a three-year term.**

162.261. 1. The government and control of a seven-director school district, other
2 than an urban district, is vested in a board of education of seven members, who hold their
3 office for three years, except as provided in section 162.241, and until their successors are
4 duly elected and qualified. Any vacancy occurring in the board shall be filled by the
5 remaining members of the board; except that if there are more than two vacancies at any one
6 time, the county commission upon receiving written notice of the vacancies shall fill the
7 vacancies by appointment. If there are more than two vacancies at any one time in a county
8 without a county commission, the county executive upon receiving written notice of the
9 vacancies shall fill the vacancies, with the advice and consent of the county council, by

10 appointment. The person appointed shall hold office until the next ~~[municipal]~~ election, when
11 a director shall be elected for the unexpired term.

12 2. No seven-director, urban, or metropolitan school district board of education shall
13 hire a spouse of any member of such board for a vacant or newly created position unless the
14 position has been advertised pursuant to board policy and the superintendent of schools
15 submits a written recommendation for the employment of the spouse to the board of
16 education. The names of all applicants as well as the name of the applicant hired for the
17 position are to be included in the board minutes.

18 3. The provisions of Article VII, Section 6 of the Missouri Constitution apply to
19 school districts.

162.291. The voters of each seven-director district other than urban districts shall, ~~[at~~
2 ~~municipal elections]~~ **on the first Tuesday after the first Monday in November**, elect two
3 directors who are citizens of the United States and resident taxpayers of the district, who have
4 resided in this state for one year next preceding their election or appointment, and who are at
5 least twenty-four years of age.

162.341. The ~~[annual]~~ **school board member** election in seven-director districts,
2 except urban districts, shall be held on ~~[municipal election days]~~ **the first Tuesday after the**
3 **first Monday in November**.

162.481. 1. Except as otherwise provided in this section and in section 162.492, all
2 elections of school directors in urban school districts shall be held ~~[biennially at the same~~
3 ~~times and places as municipal elections]~~ **on the first Tuesday after the first Monday in**
4 **November**.

5 2. Except as otherwise provided in ~~[subsections]~~ **subsection 3**~~[-4, and 5]~~ of this
6 section, hereafter when a seven-director district becomes an urban school district, the
7 directors of the prior seven-director district shall continue as directors of the urban school
8 district until the expiration of the terms for which they were elected and until their successors
9 are elected as provided in this subsection. The first biennial school election for directors shall
10 be held in the urban school district at the time provided in subsection 1 which is on the date of
11 or subsequent to the expiration of the terms of the directors of the prior district which are first
12 to expire, and directors shall be elected to succeed the directors of the prior district whose
13 terms have expired. If the terms of two directors only have expired, the directors elected at
14 the first biennial school election in the urban school district shall be elected for terms of six
15 years. If the terms of four directors have expired, two directors shall be elected for terms of
16 six years and two shall be elected for terms of four years. At the next succeeding biennial
17 election held in the urban school district, successors for the remaining directors of the prior
18 seven-director district shall be elected. If only two directors are to be elected they shall be
19 elected for terms of six years each. If four directors are to be elected, two shall be elected for

20 terms of six years and two shall be elected for terms of two years. After seven directors of the
21 urban school district have been elected under this subsection, their successors shall be elected
22 for terms of six years.

23 ~~[3. In any school district in which a majority of the district is located in any home rule~~
24 ~~city with more than one hundred fifty-five thousand but fewer than two hundred thousand~~
25 ~~inhabitants, elections shall be held annually at the same times and places as general municipal~~
26 ~~elections for all years where one or more terms expire, and the terms shall be for three years~~
27 ~~and until their successors are duly elected and qualified for all directors elected on and after~~
28 ~~August 28, 1998.~~

29 4.] For any school district which becomes an urban school district by reason of the
30 [2000] **2020** federal decennial census, elections shall be held annually ~~[at the same times and~~
31 ~~places as general municipal elections]~~ **on the first Tuesday after the first Monday in**
32 **November** for all years where one or more terms expire, and the terms shall be for three years
33 and until their successors are duly elected and qualified for all directors elected on and after
34 August 28, 2001.

35 ~~[5. In any school district in any county with a charter form of government and with~~
36 ~~more than three hundred thousand but fewer than four hundred fifty thousand inhabitants~~
37 ~~which becomes an urban school district by reason of the 2010 federal decennial census,~~
38 ~~elections shall be held annually at the same times and places as general municipal elections~~
39 ~~for all years where one or more terms expire, and the terms shall be for three years and until~~
40 ~~their successors are duly elected and qualified for all directors elected on and after April 2,~~
41 ~~2012.~~

42 ~~6. In any urban school district in a county of the first classification with more than~~
43 ~~eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule~~
44 ~~city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as~~
45 ~~the county seat, elections shall be held annually at the same times and places as general~~
46 ~~municipal elections for all years where one or more terms expire, and upon expiration of any~~
47 ~~term after August 28, 2015, the term of office shall be for three years and until their~~
48 ~~successors are duly elected and qualified.]~~

162.492. 1. In all urban districts containing the greater part of the population of a city
2 which has more than three hundred thousand inhabitants, the election authority of the city in
3 which the greater portion of the school district lies, and of the county if the district includes
4 territory not within the city limits, shall serve ex officio as a redistricting commission. The
5 commission shall on or before November 1, 2018, divide the school district into five
6 subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in
7 the number of inhabitants as practicable and thereafter the board shall redistrict the district
8 into subdivisions as soon as practicable after each United States decennial census. In

9 establishing the subdistricts each member shall have one vote and a majority vote of the total
10 membership of the commission is required to make effective any action of the commission.

11 2. School elections for the election of directors shall be held on municipal election
12 days in 2014 and 2016. At the election in 2014, directors shall be elected to hold office until
13 2019 and until their successors are elected and qualified. At the election in 2016, directors
14 shall be elected until 2019 and until their successors are elected and qualified. Beginning in
15 2019, school elections for the election of directors shall be held on ~~[the local election date as~~
16 ~~specified in the charter of a home rule city with more than four hundred thousand inhabitants~~
17 ~~and located in more than one county]~~ **the first Tuesday after the first Monday in**
18 **November**. Beginning at the election for school directors in 2019, the number of directors on
19 the board shall be reduced from nine to seven. Two directors shall be at-large directors and
20 five directors shall represent the subdistricts, with one director from each of the subdistricts.
21 At the 2019 election, one of the at-large directors and the directors from subdistricts one,
22 three, and five shall be elected for a two-year term, and the other at-large director and the
23 directors from subdistricts two and four shall be elected for a four-year term. Thereafter, all
24 seven directors shall serve a four-year term. Directors shall serve until the next election and
25 until their successors, then elected, are duly qualified as provided in this section. In addition
26 to other qualifications prescribed by law, each member elected from a subdistrict shall be a
27 resident of the subdistrict from which he or she is elected. The subdistricts shall be numbered
28 from one to five.

29 3. The five candidates, one from each of the subdistricts, who receive a plurality of
30 the votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality
31 of the at-large votes shall be elected. The name of no candidate for nomination shall be
32 printed on the ballot unless the candidate has at least sixty days prior to the election filed a
33 declaration of candidacy with the secretary of the board of directors containing the signatures
34 of at least two hundred fifty registered voters who are residents of the subdistrict within which
35 the candidate for nomination to a subdistrict office resides, and in case of at-large candidates
36 the signatures of at least five hundred registered voters. The election authority shall
37 determine the validity of all signatures on declarations of candidacy.

38 4. In any election either for at-large candidates or candidates elected by the voters of
39 subdistricts, if there are more than two candidates, a majority of the votes are not required to
40 elect but the candidate having a plurality of the votes shall be elected.

41 5. The names of all candidates shall appear upon the ballot without party designation
42 and in the order of the priority of the times of filing their petitions of nomination. No
43 candidate may file both at large and from a subdistrict and the names of all candidates shall
44 appear only once on the ballot, nor may any candidate file more than one declaration of
45 candidacy. All declarations shall designate the candidate's residence and whether the

46 candidate is filing at large or from a subdistrict and the numerical designation of the
47 subdistrict or at-large area.

48 6. The provisions of all sections relating to seven-director school districts shall also
49 apply to and govern urban districts in cities of more than three hundred thousand inhabitants,
50 to the extent applicable and not in conflict with the provisions of those sections specifically
51 relating to such urban districts.

52 7. Vacancies which occur on the school board between the dates of election shall be
53 filled by special election if such vacancy happens more than six months prior to the time of
54 holding an election as provided in subsection 2 of this section. The state board of education
55 shall order a special election to fill such a vacancy. A letter from the commissioner of
56 education, delivered by certified mail to the election authority or authorities that would
57 normally conduct an election for school board members shall be the authority for the election
58 authority or authorities to proceed with election procedures. If a vacancy occurs less than six
59 months prior to the time of holding an election as provided in subsection 2 of this section, no
60 special election shall occur and the vacancy shall be filled ~~[at the next election day on which~~
61 ~~local elections are held as specified in the charter of any home rule city with more than four~~
62 ~~hundred thousand inhabitants and located in more than one county]~~ **on the first Tuesday**
63 **after the first Monday in November.**

162.601. 1. ~~[Elected members of the board in office on August 28, 1998, shall hold~~
2 ~~office for the length of term for which they were elected, and any members appointed~~
3 ~~pursuant to section 162.611 to fill vacancies left by elected members in office on August 28,~~
4 ~~1998, shall serve for the remainder of the term to which the replaced member was elected.~~

5 2. ~~No board members shall be elected at the first municipal election in an odd-~~
6 ~~numbered year next following August 28, 1998.~~

7 3. ~~Three board members shall be elected at the second municipal election in an odd-~~
8 ~~numbered year next following August 28, 1998, to serve four-year terms.~~

9 4. ~~Four board members shall be elected at the third municipal election in an odd-~~
10 ~~numbered year next following August 28, 1998, and two of such members shall be elected to~~
11 ~~four-year terms and two of such members shall be elected to three-year terms. For the two~~
12 ~~members elected at the municipal election in 2006, the terms of such members shall expire~~
13 ~~after their successors are elected and qualified pursuant to subsection 6 of this section.~~

14 5. ~~Beginning with the fourth municipal election in an odd-numbered year next~~
15 ~~following August 28, 1998, and at each succeeding municipal election in a year during which~~
16 ~~board member terms expire, there shall be elected members of the board of education, who~~
17 ~~shall assume the duties of their office at the first regular meeting of the board of education~~
18 ~~after their election, and who shall hold office for four years, and until their successors are~~
19 ~~elected and qualified.~~

20 ~~6. For the two board members who are elected at the municipal election in 2006, their~~
21 ~~successors thereafter shall be elected at the general election in the year in which their terms~~
22 ~~expire.]~~ **Beginning January 1, 2023, all school board member elections shall occur on the**
23 **general election day. All board members serving on January 1, 2023, shall have their**
24 **terms modified in accordance with section 162.082.**

25 ~~[7.]~~ **2.** Members of the board of directors shall be elected to represent seven
26 subdistricts. The subdistricts shall be established by the state board of education to be
27 compact, contiguous and as nearly equal in population as practicable. The subdistricts shall
28 be revised by the state board of education after each decennial census and at any other time
29 the state board determines that the district's demographics have changed sufficiently to
30 warrant redistricting.

31 ~~[8.]~~ **3.** A member shall reside in and be elected in the subdistrict which the member is
32 elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2
33 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19,
34 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be
35 comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and
36 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

162.825. Whenever there is presented to the state board of education a petition signed
2 by voters in each district in the proposed special district equal in number in each district to
3 five percent of the number of votes cast for school board members in the last annual school
4 election praying (a) that a special school district embracing the entire area described in the
5 petition be organized for the education and training of handicapped and severely handicapped
6 children and for vocational education purposes; and (b) that a proposal be submitted to the
7 voters of the proposed district for the organization of the special school district, the state
8 board of education, unless section 162.835 applies, shall, within thirty days of the receipt of
9 said petition, direct the board of education of each school district comprising the proposed
10 special district to cause the proposal to be submitted to the voters in each such district at the
11 next ~~[municipal election]~~ **school board member election** or, if the next ~~[annual school]~~
12 election is more than sixty days away, cause the proposal to be submitted to the voters in each
13 such district at a special election called in accordance with law on a date set by the state board
14 of education. The election shall be conducted in each school district comprising the proposed
15 special district in the manner provided by law for the conducting of school district elections
16 generally in sections 162.351 and 162.601, unless a different procedure is specifically
17 provided in sections 162.670 to 162.995.

162.865. The board members of a special school district with a population of not
2 more than one hundred thousand persons shall be elected at large. The seven receiving the
3 largest number of votes shall be elected and the three receiving the highest number of votes

4 cast shall be elected for terms of three years each; the two receiving the next highest number
5 of votes cast shall be elected for terms of two years each; and the two receiving the next
6 highest number of votes cast shall be elected for terms of one year each. ~~[That part of the year~~
7 ~~between the date of the election of board members and the municipal election day of the~~
8 ~~following year is considered a full year in the terms of the members elected.]~~ All board
9 members shall serve until their successors are elected and qualified and the state board of
10 education shall issue certificates of election to the board members elected.

162.867. 1. Board of education members of a special school district with a
2 population of more than one hundred thousand persons in office on August 28, 1999, shall
3 serve the remainder of their terms and shall serve until their successors are duly elected and
4 qualified pursuant to this section.

5 2. On and after August 28, 1999, each new member of a board of education of a
6 special school district with a population of more than one hundred thousand persons shall be
7 elected pursuant to this section by the governing council established pursuant to section
8 162.856.

9 3. Pursuant to this section, each qualified candidate for the board of education of a
10 special school district with a population of more than one hundred thousand persons shall:

11 (1) Be a voter of the district who has resided within the state for one year next
12 preceding selection to the board and is resident in the subdistrict in which the candidate files;

13 (2) Be at least twenty-four years of age.

14 4. No member of the board of education of a special school district with a population
15 of more than one hundred thousand persons shall:

16 (1) Vote on, solicit, transact, offer, or accept any contract between the special school
17 district and any corporation, partnership, association, or other organization in which that
18 member of the board of education has a financial interest, unless otherwise provided herein,
19 excluding interests owned prior to such member's election;

20 (2) Hold any office or employment of profit from the board of education of the
21 special school district while serving. However, nothing in this section shall be construed to
22 preclude a person from being elected to or serving on the board of education of the special
23 school district on the basis that the person is related to a pupil of the special school district or
24 to a pupil of any school district all or a portion of which is contained within the special school
25 district; or

26 (3) Vote on, solicit, transact, offer, or accept any contract or procurement in which
27 that board member shall have a direct or indirect beneficial interest, unless:

28 (a) The material facts as to such member's relationship or interest and as to the
29 contract or transaction are disclosed in writing and are known to the board and governing

30 council, and such governing council and board, in good faith, authorize the contract or
31 transaction by the affirmative vote of the majority of the disinterested members; and

32 (b) Such member's relationship or interest in such contract or transaction shall not be
33 voted upon by such interested member.

34 5. ~~Beginning in April, 1997, and every third year thereafter, two members shall be~~
35 ~~elected. Beginning in April, 1998, and every third year thereafter, two members shall be~~
36 ~~elected. Beginning in April, 1999, and every third year thereafter, three members shall be~~
37 ~~elected.]~~ **For all board members serving terms as of January 1, 2023, their terms shall**
38 **be modified in accordance with the provisions of section 162.082.** A member shall be
39 elected to fill each open seat on the board of education.

40 6. Board members shall serve three-year terms and shall serve until their successors
41 are duly elected and qualified.

42 7. The board of education shall, upon formation and each decade within ninety days
43 following the publication of the final decennial census figures thereafter, adopt a resolution
44 calling for the formation of a redistricting committee. Upon adoption of such resolution, the
45 secretary of the board of education shall forward a certified copy thereof to the state board of
46 education. The redistricting committee shall consist of three residents within the district,
47 appointed by the board of education of the special school district, plus three additional
48 persons resident within the special school district, appointed by the state board of education.
49 Thereafter, the redistricting committee shall meet, organize itself with a chairman and
50 secretary, and proceed with the adoption of a redistricting plan. Any plan proposed to be
51 adopted must receive approval of a majority of the whole redistricting committee. Upon
52 adoption, the redistricting committee shall forward a copy of the plan certified by the
53 secretary of the redistricting committee to the state board of education for its approval or
54 disapproval. The state board of education shall approve any redistricting plan which divides
55 the special district into seven subdistricts of equal population, taking into account insofar as
56 possible existing school district boundary lines. Upon approval by the state board of
57 education, the redistricting plan shall become effective and all board members selected
58 thereafter shall be selected from subdistricts in which they are resident. If the plan is not
59 approved, then it shall be returned to the redistricting committee for revision and
60 resubmission. If a redistricting plan has not been adopted within one year after the
61 publication of the decennial census figures, the state board of education shall provide the
62 redistricting plan. No member of the redistricting committee shall serve on the board of
63 education for a period of six years following such service on the redistricting committee.

64 8. The structure of the board of education and the selection of members of the board
65 of education of a special school district with a population of more than one hundred thousand
66 persons shall be as established pursuant to this section, except as may be otherwise approved
67 by the voters of the special school district under section 162.858.

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